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Paper No.

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**JAN 22 2008**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Gabriel Daemon Engel et al.	:	
Application No. 10/049,271	:	
Filed: February 6, 2002	:	DECISION ON PETITION
Attorney Docket No. PURE-P012US	:	UNDER 37 C.F.R. § 1.181(A)
Title: DATA DISPLAY FOR	:	
MULTIPLE LAYERED SCREENS	:	

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on March 16, 2007.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed August 23, 2006, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no responses were received. Accordingly, the above-identified application became abandoned on November 24, 2006. A notice of abandonment was mailed on March 2, 2007.

With the present petition, Petitioner has alleged that a Request for Continued Examination (RCE), the associated fee, an amendment, and a three-month extension of time were filed on February 23, 2007.

Both the electronic file and the electronic records have been reviewed, and it is clear that a RCE, the associated fee, an amendment, and a three-month extension of time were received on February 23, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has

met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

Petitioner has further submitted \$130 along with this petition, however a petition under this section of the C.F.R. does not carry a fee. As such, the petition fee will be refunded to Petitioner's Deposit Account in due course.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. §1.114 - the amendment filed on February 23, 2007 - can be processed.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions